

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

JEREMIAH J. LINDKE,

Defendant and Appellant.

C087662

(Super. Ct. No. 18CF01498)

Appointed counsel for defendant Jeremiah J. Lindke has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) We affirm the judgment.

FACTS AND PROCEEDINGS

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 123-124.)

When police officers responded to a call about a domestic dispute over the custody of a child, they discovered defendant had taken the child and fled in a car. The officers attempted to conduct a traffic stop of defendant's car, but he failed to stop and drove off the road in a reckless manner through fields and over large rocks. The officers gave up pursuit due to safety concerns for the child. Officers later attempted a second stop, and defendant sped away on a road with curves and limited visibility, reaching speeds of 70 to 80 miles per hour.

Defendant pleaded no contest to two counts of fleeing a pursuing peace officer's vehicle with reckless disregard, in violation of Vehicle Code section 2800.2, subdivision (a), and one count of child endangerment, in violation of Penal Code section 273a, subdivision (a) (unless otherwise stated, statutory section references that follow are found in the Penal Code); he admitted three prior prison term allegations. The trial court denied defendant's request for probation and sentenced him to state prison for an aggregate term of 10 years four months, as follows: The upper term of six years for child endangerment, one-third the midterm or eight months each for each count of fleeing a pursuing peace officer's vehicle, and one year for each of the three prior prison term enhancements. The court awarded defendant 229 days of custody credit (115 actual days and 114 conduct days). The court imposed a \$300 restitution fine (§ 1202.4, subd. (b)) and a corresponding \$300 parole revocation fine, suspended unless parole is revoked (§ 1202.45), \$80 in court operations assessments (§ 1465.8), \$60 in conviction assessments (Gov. Code, § 70373); and a total child abuse prevention fine of \$1,020 (§ 294, subds. (a) & (d)).

Defendant filed a timely appeal and did not obtain a certificate of probable cause.

DISCUSSION

Appointed counsel filed an opening brief that sets forth the facts of the case and asks us to determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and defendant has not filed a supplemental brief.

We have undertaken an examination of the entire record and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

HULL, J.

We concur:

BLEASE, Acting P. J.

MAURO, J.